IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE MR JUSTICE M. NARAYANA REDDY

WRIT APPEAL No.1017 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10-02-2004 in W.P.No.22683 of 1995 on the file of the High Court.)

Between:

Koka Satyanarayana Rao, S/o. Late K.V. Subba Rao,
R/o. 11-16-155, LIGH, 11th Ward, Repalle Municipality, Repalle,

Guntur District.

..... APPELLANT

AND

1.Repalle Municipality, rep. by its Commissioner, Repalle, Guntur

District.
2.The Government of Andhra Pradesh, rep. by its Principal Secretary,

Municipal Administration, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Dr. K. Lakshminarasimha

for G. Dharma Rao

Counsel for Respondent No.1: Mr. Dammalapati Srinivas

Counsel for Respondent No.2: G.P. for Municipal

Administration

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

This appeal is against the order passed by the learned single Judge on 10th February 2004 dismissing the writ petition. The grievance of the appellant is that along with the writ petition filed by the petitioner there was another Writ Petition No.9844 of 1996, which was also taken up for consideration and the facts noticed by the learned single Judge do not pertain to the petitioner's case.

We have heard the learned counsel for the parties at length who have taken us through the record.

The petitioner joined as Attender in respondent Municipality in 1958 and he was in occupation of LIGH quarters of respondent Municipality since 1964. The petitioner states that he was permitted to stay in the quarters ever since 1964. LIGH quarters were sponsored by the Govt. of India in Andhra and Telangana areas, with the loan assistance of the Government for the purpose of allotment on hire purchase basis to certain categories of persons. Therefore, the petitioner submitted a representation to the Municipality to allot LIGH quarter to him on hire purchase basis. The same was put up before the Municipal Council, which, on 31st December 1982, passed a resolution in petitioner's favour for allotting the quarter to the petitioner. The said resolution was forwarded to the Government, but no action is taken. Therefore, the petitioner had filed writ petition challenging the inaction on the part of the respondents in considering his application for allotment of LIGH quarter in 11th ward of Repalle on hire purchase basis.

Sri Ch.Papaiah, Commissioner of Repalle Municipality, filed affidavit in reply admitting that the petitioner has been residing in the quarter since 1964, and that the Government framed regulations for allotment of quarters on hire purchase basis to the employees who have been occupying the quarters for a period of more than two

years on rental basis. It is stated that the Municipal Council had passed resolution No.432, dated 31st October 1987 negativing the proposal for allotment of quarters and therefore, the petitioner has no right to claim for allotment of quarter since the Municipal Council has decided not to allot quarters on hire purchase basis.

Learned counsel for the petitioner-appellant submitted that resolution No.432, dated 31st October 1987 was with reference to some other individuals and not the petitioner. It pertains to three other individuals and the petitioner's case was covered by earlier resolution of 1982. Learned counsel for the petitioner has also made a reference to G.O.Ms.No.35, dated 22nd April 1996, whereby one A.Chennakesava Rao was allotted quarter in the year 1996 and, therefore, it cannot be said that the scheme does not exist and the case of the petitioner cannot be considered. As regards the order passed on 22nd April 1996, it was pursuant to the direction issued by this court in a particular writ petition, but insofar as the resolution of the year 1987 is concerned, it was a policy decision taken by the respondent Municipality resolving that Municipal property shall not be sold out. Therefore, the question that would arise in the matter is whether the petitioner-appellant has got any enforceable right to seek a direction for allotment/sale of quarter on hire purchase basis when respondent Municipality does not want to sell the quarter. Since the Municipal Council had decided not to allot the quarters on hire basis as they are meant to be utilized by the Municipality for its employees, there is no right vested for allotment/sale of the quarters. May be at the time when the quarter was allotted to A.Chennakesava Rao, the scheme was not there but the quarter was allotted to him pursuant to a direction given by this court; but that does not amount to creating any vested rights in favour of persons like the petitioner who since long ceased to be employees and no right vested in the employees, and as on today the scheme is also not in existence. We do not find any force in the appeal.

The Writ Appeal is dismissed.

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(DEVINDER GUPTA, C.J.)

24th November 2004.

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(M. NARAYANA REDDY, J.)

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To

1 The Commissioner, Repalle Municipality, Repalle,

Guntur District.

2 The Principal Secretary, Government of Andhra Pradesh, Municipal

Administration Department, Hyderabad.

3 Two CCs to G.P. for Municipal Administration, High Court

Buildings, Hyderabad (OUT).

4 Two CD copies.